UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

MOISES ECHEVARRIA,	Civil Action No. 22-5946 (SDW-ESK)
Plaintiff,	**MEMORANDUM OPINION**
v.	
SGT. STRAUSS, et al.,	
Defendants.	

IT APPEARING THAT:

1. On May 22, 2023, this Court dismissed without prejudice Plaintiff Moises Echevarria's amended *pro se* prisoner civil rights complaint for failure to state a claim, pursuant to 28 U.S.C. § 1915(e)(2)(B). (ECF Nos. 9, 10).

2. On December 5, 2023, Plaintiff filed a "Motion to State a Claim," which this Court construes as Plaintiff's Second Amended Complaint ("SAC"). Plaintiff alleges that Sgt. Strauss at Bergen County Jail deprived him, as an indigent pretrial detainee, of necessities including undergarments and shower shoes. (ECF No. 13).

3. For a pretrial detainee's conditions of confinement claim under the Due Process Clause of the Fourteenth Amendment, "the proper inquiry is whether [the challenged] conditions amount to punishment of the detainee." *Edwards v. Northampton Cnty.*, 663 F. App'x 132, 135 (3d Cir. 2016) (quoting *Bell v. Wolfish*, 441 U.S. 520, 535 (1979) (alteration in *Edwards*). "[T]he effective management of the detention facility once the individual is confined is a valid objective that may justify imposition of conditions and restrictions of pretrial detention and dispel any inference that such restrictions are intended as punishment." *Bell*, 442 U.S. at 540. On his third attempt to state

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a due process claim, Plaintiff has not alleged additional facts to show he was deprived of undergarments and shower shoes as a punishment or that the deprivation was not a reasonable restriction necessary to the effective management of Bergen County Jail. There is no reason to believe that Plaintiff can cure the deficiency in this claim with a third opportunity to plead additional facts.

4. In conclusion, this Court will dismiss the Second Amended Complaint with prejudice.

An appropriate order follows.

Dated: January 2, 2024

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Hon. Susan D. Wigenton,
United States District Judge